

Our Reference: CBC-122-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard C. Wilson and Patrick M. Culpepper
 Serial Number: 09/391,294
 Filing Date: September 7, 1999
 Examiner/Art Group Unit: R. Canfield/3635
 Title: CORNER POST SUPPORT MEMBER.

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APR 18 2007

**SUPPLEMENTAL REISSUE APPLICATION
 DECLARATION BY THE INVENTORS**

Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Sir:

We, Richard C. Wilson and Patrick M. Culpepper, declare that we are citizens of the United States of America and are the original, first, and joint inventors of U.S. Patent Nos. 5,542,222 and 5,664,376 of the foregoing specification. We solicit a reissue patent for the invention of U.S. Patent No. 5,664,376. Our residence and post office addresses are as stated below. We have reviewed and understand the contents of this above-identified reissue specification and claims including the claims as amended up to the date of this declaration including the amendment in response to the Office Action of November 21, 2007. We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known that is material to patentability as defined in 37 C.F.R. § 1.56.

We believe that our patent is partly inoperative or invalid for the reason that we claimed less than we had a right to claim in the patent. Further, we believe that our patent is partly inoperative or invalid for the reason that claims 1 and 4 contain vague terminology that does not clearly point out and distinctly claim the subject matter that we regard as our invention according to 35 U.S.C. § 112.

In particular, the scope of claims 1-4 is rendered indefinite by the language "have lengths corresponding to the length of the corner of the building" and "has a length and thickness corresponding to and for filling the hollow space between the corner post and external wall of the building." The language in question defines dimensions of the support member by direct

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relationship to the intended use environment. The inconsistency between the preamble and the body of the claims renders the intended scope of the claim indefinite.

Every error in the patent that was corrected in the present reissue application and was not covered by a prior oath/declaration submitted in this application arose without any deceptive intent on the part of the applicants or their attorney. The error sought to be corrected by this application for reissue of the patent is to correct the vague and ambiguous language in the claims of the patent.

Amended claim 1 corrects the indefinite language by incorporating functional language in the relationship of the support member and its intended use environment. Column 4, lines 28-30 (lines 8-10 in Amendment After Final) now read "first and second longitudinally extending portions have lengths adapted for corresponding to the length of the corner of the building." Column 4, lines 30-32 (lines 10-12 in Amendment After Final) now read "said single member defines a cornered inner surface adapted for contacting the building and a spaced-apart cornered outer surface parallel to said corner inner surface adapted for contacting the corner post."

Claim 1 further recites a support and insulating member for a corner post comprising a single member having first and second longitudinally extending portions, the first portion lying in a first plane angularly disposed with respect to the second portion lying in a second plane, "a first support member flange lying in the first plane . . . and a second support member flange lying in the second plane, wherein the single member defines a cornered inner surface and a spaced apart parallel cornered outer surface adapted for contacting the corner post" (lines 13-21 of Amendment After Final).

Amended claim 2 recites a support and insulating member.

Amended claim 3 also recites a support and insulating member.

Amended claim 4 recites a support and insulating member and recites in lines 52-55 (lines 3-5 in Amendment After Final) "the support and insulating member has a length and thickness adapted for corresponding to and for filling the hollow space between the corner post and the external wall."

New claim 5 recites an insulating support comprising a single support member having first and second portions angularly disposed to each other, said first and second portions defining a cornered inner surface and a cornered outer surface parallel to said cornered inner surface, said single support member having first and second support flanges extending outwardly from the first and second portions of the single support member respectively, said first and second flanges

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extending continuously along the entire length of the first and second portions with the flanges extending from the inner surface of the first and second portions.

New claim 6 recites a support and insulating member for supporting and insulating a corner post. The corner post is made of thin sheet material used to enclose one corner of an external wall of a building, the corner post being spaced from the external wall to define a longitudinally extending hollow space. The support and insulating member comprises a single member formed of a material uniform throughout, the single member having first and second longitudinally extending portions with first and second flanges respectively, the first portion lying in a first plane angularly disposed with respect to the second portion lying in a second plane, wherein the first and second longitudinally extending portions have lengths adapted for corresponding to the length of the corner of the building and wherein the single member defines a cornered inner surface adapted for contacting the building and a spaced apart cornered outer surface generally parallel to the cornered inner surface adapted for contacting the corner post, the first flange lying in the first plane and extending outwardly from the first portion a predetermined distance extending continuously along the entire length of the first portion and from the cornered inner surface radially outwardly, and the second flange lying in the second plane and extending outwardly from the second portion a predetermined distance and extending continuously along the entire length of the second portion and from the cornered inner surface radially outwardly.

Claim 7 recites a support and insulating member in which the material has insulating qualities.

Claim 8 also recites a support and insulating member in which the material is selected from the group consisting of expanded polystyrene foam plastic, extruded polystyrene foam plastic and molded polystyrene foam plastic.

Claim 9 also recites that the insulating member has a length and thickness adapted for corresponding to and for filling the hollow space between the corner post and the external wall of the building along the entire length of the corner of the building.

Claim 10 is directed to an insulating support comprising a single member formed of a material uniform throughout and having first and second portions angularly disposed from each other, the first and second portions defining a cornered inner surface and a cornered outer surface substantially parallel to the cornered inner surface, the single member having first and second flanges extending outwardly from the first and second portions respectively, the first and second

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flanges extending continuously along an entire length of the first and second portions with the flanges extending from the inner surfaces and defining a detent.

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY:

I hereby appoint the following attorney(s) and/or agent(s) Thomas N. Young, Patent Office Registration No. 20985, William M. Hanlon, Jr., Patent Office Registration No. 28422, Marshall G. MacFarlane, Patent Office Registration No. 30403, Thomas D. Helmholdt, Patent Office Registration No. 33181, Todd L. Moore, Patent Office Registration No. 36874 Thomas B. Bejla, Patent Office Registration No. 37,089 and Christopher A. Mitchell, Patent Office Registration No. 40729, Denise M. Glesenseyer, Patent Office Registration No. 31831 as my attorney(s) and/or agent(s), to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

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Assignee: Progressive Foam Products
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Date: April 13, 2007

By: *Patrick M. Culpepper*
Patrick M. Culpepper
Its President

Date: April 13, 2007

Assignments recorded in the United States Patent and Trademark Office on December 7, 1994, Reel 7315/Frame 385 and on June 6, 2002, Reel 012946/Frame 0440.

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SUPPLEMENTAL REISSUE APPLICATION
DECLARATION BY THE INVENTORS

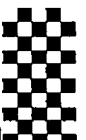
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extending continuously along the entire length of the first and second portions with the flanges extending from the inner surface of the first and second portions.

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flanges extending continuously along an entire length of the first and second portions with the flanges extending from the inner surfaces and defining a detent.


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Patrick M. Culpepper
Its President

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April 12, 2007

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Dick Wilson and Patrick Culpepper
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Re: U.S. Reissue Application Serial No. 09/391,294
For: CORNER POST SUPPORT MEMBER
Our Ref: CPC-122-C

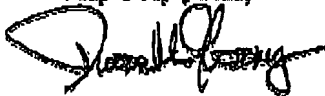
Dear Gentlemen:

I am taking this opportunity to follow-up on the Amendment previously submitted in this matter and to correct your Re-Issue Application Declaration to indicate the proper assignee. The U.S. Patent and Trademark Office has also requested that I resubmit the claims under consideration in a different format by April 19, 2007. I will respond to this request and present the Supplemental Re-Issue Application Declaration at the same time.

I ask that you date and sign the declaration in the proper spot. The Declaration can be returned to me and I will forward it to the U.S. Patent and Trademark Office in this matter. For your convenience Dick, I am including a return envelope. Pat, if you could please date, sign and fax this document back to, that would suffice.

If you have any questions regarding this matter, please feel free to contact me, or my Administrative Assistant Lorelei.

Very truly yours,



Denise M. Glasmeier

DMG/llo
Enclosure

TROY, MICHIGAN • ANN ARBOR, MICHIGAN • PALO ALTO, CALIFORNIA